

## ARTICLE XXIX

# DRAFT

## STORMWATER MANAGEMENT AND EROSION CONTROL BYLAW

### SECTION 1. PURPOSE

- A. Increased volumes of stormwater, contaminated stormwater runoff from impervious surfaces, and soil erosion and sedimentation are major causes of:
1. impairment of water quality and decreased flow in lakes, ponds, streams, rivers, wetlands and groundwater;
  2. contamination of drinking water supplies;
  3. erosion of stream channels;
  4. alteration or destruction of aquatic and wildlife habitat;
  5. flooding; and,
  6. overloading or clogging of municipal catch basins and storm drainage systems.

The United States Environmental Protection Agency has identified sedimentation from land disturbance activities and polluted stormwater runoff from land development and redevelopment as major sources of water pollution, impacting drinking water supplies, natural habitats, and recreational resources. Regulation of activities that result in the disturbance of land and the creation of stormwater runoff is necessary for the protection of the Town of Walpole's water bodies and groundwater resources, to safeguard the health, safety, and welfare of the general public and protect the natural resources of the Town.

- B. The **objectives** of this Bylaw are to:
1. protect water resources;
  2. require practices that eliminate soil erosion and sedimentation;
  3. control the volume and rate of stormwater runoff resulting from land disturbance activities in order to minimize potential impacts of flooding;
  4. require practices to manage and treat stormwater runoff generated from new development and redevelopment;
  5. protect groundwater and surface water from degradation;
  6. promote infiltration and the recharge of groundwater;
  7. maximize recharge of groundwater in the Walpole Resource Protection Overlay District as defined by Section 10 of the Walpole Zoning Bylaw;
  8. prevent pollutants from entering the municipal storm drain system;
  9. ensure that soil erosion and sedimentation control measures and stormwater runoff management practices are incorporated into the site planning and design process and are implemented and maintained;
  10. ensure adequate long-term operation and maintenance of structural stormwater best management practices;

11. require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at construction sites that may cause adverse impacts to water quality;
12. comply with state and federal statutes and regulations relating to stormwater discharges; and
13. establish the Town of Walpole's legal authority to ensure compliance with the provisions of this Bylaw through inspection, monitoring and enforcement.

## **SECTION 2. DEFINITIONS**

**ABUTTER:** The owner(s) of land abutting the activity.

**AGRICULTURE:** The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act and its implementing regulations.

**ALTERATION OF DRAINAGE CHARACTERISTICS:** Any activity on an area of land that changes the water quality, or the force, quantity, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

**APPLICANT:** Any "person" as defined below requesting a soil erosion and sediment control permit for proposed land-disturbance activity.

**AUTHORIZED ENFORCEMENT AGENCY:** Conservation Commission and its employees or agents designated to enforce this Bylaw.

**BEST MANAGEMENT PRACTICE (BMP):** An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

**CONSTRUCTION AND WASTE MATERIALS:** Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.

**CLEARING:** Any activity that removes the vegetative surface cover. Clearing activities generally include grubbing activity as defined below.

**DEVELOPMENT:** The modification of land to accommodate a new use or expansion of use, usually involving construction.

**DISTURBANCE OF LAND:** Any action, including clearing and grubbing, that causes a change in the position, location, or arrangement of soil, sand, rock, gravel, or similar earth material.

**ENVIRONMENTAL SITE MONITOR:** A Professional Engineer, or other trained professional selected by Conservation Commission and retained by the holder of a Minor Land Disturbance Permit or a Full Land Disturbance Permit to periodically inspect the work and report to the Conservation Commission.

**EROSION:** The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

**EROSION AND SEDIMENTATION CONTROL PLAN:** A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a public land surveyor (PLS), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.

**ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS:** Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

**GRADING:** Changing the level or shape of the ground surface.

**GRUBBING:** The act of clearing land surface by digging up roots and stumps.

**IMPERVIOUS SURFACE:** Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and roof tops. Impervious surface also includes soils, gravel driveways, and similar surfaces with a runoff coefficient (Rational Method) greater than 85.

**LAND-DISTURBING ACTIVITY or LAND DISTURBANCE:** Any activity, including clearing and grubbing, that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

**LOT:** A single parcel of land held in identical ownership throughout and defined by metes, bounds, or boundary lines in a recorded deed on a recorded plan.

**MASSACHUSETTS ENDANGERED SPECIES ACT:** (M.G.L. c. 131A) and its implementing regulations at (321 CMR 10.00) which prohibit the "taking" of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.

**MASSACHUSETTS STORMWATER MANAGEMENT POLICY:** The Policy issued by the Department of Environmental Protection, as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act MGL c. 131 s. 40 and the Massachusetts Clean

Waters Act MGL c. 21, ss. 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

**MUNICIPAL STORM DRAIN SYSTEM or MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4):** The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Walpole.

**OPERATION AND MAINTENANCE PLAN:** A plan describing the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

**OUTFALL:** The point at which stormwater flows out from a discernible, confined point source or discrete conveyance into waters of the Commonwealth.

**OUTSTANDING RESOURCE WATERS (ORWs):** Waters designated by Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314 CMR 4.00) and the Massachusetts Stormwater Management Standards. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.

**OWNER:** A person with a legal or equitable interest in property.

**PERMITTEE:** The person who holds a land disturbance permit and therefore bears the responsibilities and enjoys the privileges conferred thereby.

**PERSON:** An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

**POINT SOURCE:** Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

**PRE-CONSTRUCTION:** All activity in preparation for construction.

**PRIORITY HABITAT OF RARE SPECIES:** Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

**REDEVELOPMENT:** Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

**RUNOFF:** Rainfall, snowmelt, or irrigation water flowing over the ground surface.

**SEDIMENT:** Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

**SEDIMENTATION:** The process or act of deposition of sediment.

**SITE:** Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

**SLOPE:** The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

**SOIL:** Any earth, sand, rock, gravel, or similar material.

**STABILIZATION:** The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

**STORMWATER:** Stormwater runoff, snow melt runoff, and surface water runoff and drainage.

**STORMWATER MANAGEMENT PLAN:** A document containing narrative, drawings and details prepared by a qualified professional engineer (PE) or a professional public land surveyor (PLS), which includes structural and non-structural best management practices to manage and treat stormwater runoff generated from regulated development activity. A stormwater management plan also includes an Operation and Maintenance Plan describing the maintenance requirements for structural best management practices.

**STRIP:** Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

**TSS:** Total Suspended Solids. Material, including but not limited to trash, debris, and sand suspended in stormwater runoff.

**VERNAL POOLS:** Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

**WATERCOURSE:** A natural or man-made channel through which water flows, including a river, brook, or stream.

**WETLAND RESOURCE AREA:** Areas specified in the Massachusetts Wetlands Protection Act M.G.L. c. 131, s.40 and in the Town of Walpole Wetland Protection By-law.

**WETLANDS:** Wet meadows, marshes, swamps, bogs, areas where groundwater, flowing or standing surface water or ice provide a significant part of the supporting substrate for a plant community for at least five months of the year; emergent and submergent communities in inland waters; that portion of any bank which touches any inland water.

### **SECTION 3. AUTHORITY**

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34 published in the Federal Register on December 8, 1999.

### **SECTION 4. APPLICABILITY**

This Bylaw shall apply to all land-disturbing activities within the jurisdiction of the Town of Walpole. Except as permitted by the Conservation Commission, or as otherwise provided in this Bylaw, no person shall perform any activity that results in land disturbance of 40,000 square feet or more.

- A. Regulated Activities.** Regulated activities shall include, but not be limited to:
1. Land disturbance associated with construction or reconstruction of structures,
  2. Development or redevelopment involving multiple separate activities in discontinuous locations or on different schedules if the activities are part of a larger common plan of development that all together disturbs 40,000 square feet or more of land,
  3. Paving or other change in surface material over an area of 40,000 square feet or more causing a significant reduction of permeability or increase in runoff,
  4. Construction of a new drainage system or alteration of an existing drainage system or conveyance serving a drainage area of more than 40,000 square feet,
  5. Any other activity altering the surface of an area exceeding 40,000 square feet that will, or may, result in increased stormwater runoff flowing from the property into a public way or the municipal storm drain system, OR
  6. Construction or reconstruction of structures where more than 40,000 square feet of roof drainage is altered.
- B. Exempt Activities.** The following activities are exempt from the requirements of this Bylaw:
1. Normal maintenance and improvement of land in agricultural use.

2. Repair of septic systems when required by the Board of Health for the protection of public health.
3. Normal maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling provided such maintenance does not include the addition of more than 100 cubic yards of soil material, construction of any walls, alteration of existing grades by more than one foot in elevation, or alteration of drainage patterns.
4. The construction of fencing that will not alter existing terrain or drainage patterns.
5. Construction of utilities other than drainage (gas, water, electric, telephone, etc.) that will not alter terrain or drainage patterns.
6. Projects wholly within the jurisdiction of the Conservation Commission and requiring an Order of Conditions.

**C. Administrative Review.** Administrative Review includes submitting documentation of the proposed activity that adequately shows all work so that the Conservation Commission or their Agent can review for compliance with the objectives of the By-Law. An application shall be made to the Conservation Commission in a form and containing information as specified in this Bylaw and in the Regulations adopted by the Conservation Commission. If the Agent finds upon review that the project does not comply with the objectives of the By-Law, then the Applicant will either have to file for a permit or comply with recommended Best Management Practices provided by the Conservation Commission or their Agent. Activities subject to administrative review shall include, but not be limited to:

1. Land disturbance which includes any of the following: 1,000 square feet of grubbing, 5,000 square feet of clearing, 10,000 square feet of grading, moving 500 cubic feet of earth;
2. Land disturbance where there is a 15% slope which is greater than 25 feet in length;
3. Land disturbance where dewatering is proposed;
4. Land disturbance where a cut or fill greater than 4 feet is required;
5. Land disturbance in which the proposed impervious area is greater than 25% of the lot;
6. Work which requires a land disturbance of greater than 20,000 square feet, includes soil storage and will occur within 100 feet of a paved surface;
7. Any new construction with greater than 15,000 square feet of land disturbance.

## **SECTION 5. ADMINISTRATION**

The Town of Walpole Conservation Commission shall administer, implement and enforce this Bylaw. Any powers granted to or duties imposed upon the Conservation Commission may be delegated in writing by the Conservation Commission to its employees or agents.

## **SECTION 6. REGULATIONS**

The Conservation Commission may adopt, and periodically amend rules and regulations to effectuate the purposes of this Bylaw. Failure by the Conservation Commission to promulgate such rules and regulations shall not have the effect of suspending or invalidating this Bylaw.

## **SECTION 7. PERMITS**

Permit issuance is required prior to any activity disturbing 40,000 or more square feet of land. The site owner or his agent shall file for the permit with the Conservation Commission. While application may be made by a representative, the permittee must be the owner of the site.

**A. Applications:** An application shall be made to the Conservation Commission in a form and containing information as specified in this Bylaw and in the Regulations adopted by the Conservation Commission and shall be accompanied by payment of the appropriate application and review fees.

**B. Fees.** Fees shall be established by Conservation Commission to cover expenses connected with public notice, application review, and monitoring permit compliance. The fee shall be sufficient to also cover professional review. The Conservation Commission is authorized to retain a Registered Professional Engineer or other professional consultant to advise the Commission on any or all aspects of these plans. Applicants must pay review fees before the review process may begin. The applicant for a Land Disturbance Permit may be required to establish and maintain an escrow account to cover the costs of said consultant.

**C. Information Requests:** The Board may request such additional information as is necessary to enable the Board to determine whether the proposed land disturbance activity will protect water resources and meet the objectives of this Bylaw.

**D. Determination of Completeness.** The Conservation Commission shall make a determination as to the completeness of the application and adequacy of the materials submitted. No review shall take place until the application has been found to be complete.

### **E. Coordination with Other Boards.**

On receipt of a complete application for a Land Disturbance Permit the Conservation Commission shall distribute one copy each to the Planning Board, Department of Public Works, Board of Health, Engineering Department and Sewer and Water Commission for review and comment. Said agencies shall, in their discretion, investigate the case and report their recommendations to the Conservation Commission. The Conservation Commission shall not hold a hearing on the Land Disturbance Permit until it has received reports from said agencies or until said agencies have allowed forty (40) days to elapse after receipt of the application materials without submission of a report thereon.



**F. Entry.** Filing an application for a land disturbance permit grants the Conservation Commission or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.

**G. Hearing:** Within sixty (60) days of receipt of a complete application for a Land Disturbance Permit, the Conservation Commission shall hold a public hearing and shall take final action within sixty (60) days from the close of the hearing unless such time is extended by agreement between the applicant and the Conservation Commission. Notice of the public hearing shall be given by publication in a local paper of general circulation, by posting and by certified mailings to abutters at least 14 days prior to the hearing. The Conservation Commission shall be responsible for publishing the notice in the local newspaper and posting the notice at the Town Hall. The applicant shall be responsible for notifying abutting property owners by certified mail, return receipt requested. Copies of the certified mail receipts shall be submitted to the Conservation Commission for verification prior to opening the Public Hearing. The Conservation Commission shall make the application available for inspection by the public during business hours at the Town of Walpole Conservation Office.

**H. Action.** The Conservation Commission may:

1. **Approve** the Application and issue a permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this Bylaw;
2. **Approve the Application and issue a permit with conditions**, modifications or restrictions that the Conservation Commission determines are required to ensure that the project will protect water resources and meets the objectives and requirements of this Bylaw; or
3. **Disapprove** the application and deny a permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of this Bylaw. If Conservation Commission finds that the applicant has submitted insufficient information to describe the site, the work, or the effect of the work on water quality and runoff volume, the Conservation Commission may disapprove the application, denying a permit.

**K. Project Changes.** The permittee, or their agent, must notify the agent of the Conservation Commission in writing of any change or alteration of a land-disturbing activity before the change or alteration occurs. If the agent of the Conservation Commission determines that the change or alteration is significant, based on the design requirements listed in Part II or Part III of the Regulations adopted by the Conservation Commission under this bylaw, the agent of the Conservation Commission may require that an amended application or a full application be filed in accordance with this Section. If any change or alteration from the Land Disturbance Permit occurs during land disturbing activities, the agent of the Conservation Commission may require the installation of interim erosion and sedimentation control measures before approving the change or alteration.

## **SECTION 8. EROSION AND SEDIMENT CONTROL PLAN**

**The Erosion and Sediment Control Plan** shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design standards and contain the information listed in the Regulations adopted by the Conservation Commission for administration of this Bylaw.

## **SECTION 9. STORMWATER MANAGEMENT PLAN**

**The Stormwater Management Plan** shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed best management practices for the permanent management and treatment of stormwater. The Stormwater Management Plan shall contain sufficient information for the Conservation Commission to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. The Plan shall be designed to meet the Massachusetts Stormwater Management Standards and DEP Stormwater Management Handbook Volumes I and II. The Stormwater Management Plan shall fully describe the project in drawings, and narrative. The applicant shall submit such material as is required by the Regulations adopted by the Conservation Commission for the administration of this Bylaw.

## **SECTION 10. OPERATION AND MAINTENANCE PLANS**

- A. An **Operation and Maintenance Plan** (O&M Plan) for the permanent storm water management system is required at the time of application for all projects. The maintenance plan shall be designed to ensure compliance with this Bylaw and that the Massachusetts Surface Water Quality Standards contained in 314 CMR 4.00 are met in all seasons and throughout the life of the system. The Conservation Commission shall make the final decision of what maintenance option is appropriate in a given situation. The Conservation Commission will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision. Once approved by the Conservation Commission the Operation and Maintenance Plan shall be recorded at the Norfolk County Registry of Deeds by the permittee, shall remain on file with the Conservation Commission and shall be an ongoing requirement. The Operation and Maintenance Plan shall conform to the requirements listed in the Regulations adopted by the Conservation Commission for the administration of this Bylaw. Stormwater management easements shall be provided by the property owner(s) in areas and as necessary to carry out the required maintenance.

### **B. Changes to Operation and Maintenance Plans**

1. The owner(s) of the stormwater management system must notify the Conservation Commission or its agent of changes in ownership or assignment of financial responsibility.
2. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this Bylaw by mutual agreement of the Conservation Commission and the Responsible Parties. Amendments must be in writing and signed by all Responsible Parties. Responsible Parties shall include owner(s), persons with financial responsibility, and persons with operational responsibility. Once the amended Plan is signed the Conservation Commission shall file it at the Registry of Deeds at the expense of the current owner(s).

## **SECTION 11. INSPECTION AND SITE SUPERVISION**

- A. **Preconstruction Meeting.** Prior to clearing, excavation, construction, or any land disturbing activity, the applicant, the applicant's technical representative, the general contractor, pertinent subcontractors, and any person with authority to make changes to the project, shall meet the Conservation Commission or its designated agent to review the permitted plans and proposed implementation.
- B. **Board Inspection.** The Conservation Commission or its designated agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the approved plans and any conditions of approval. One copy of the approved plans and conditions of approval, signed by the Conservation Commission shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the Agent of the Conservation Commission at least three (3) working days before each of the following events:
  1. Erosion and sediment control measures are in place and stabilized;
  2. Rough Grading has been substantially completed;
  3. Final Grading has been substantially completed;
  4. Bury Inspection: prior to backfilling of any underground drainage or stormwater conveyance structures.
  5. Close of the Construction Season; and
  6. Final Landscaping (permanent stabilization) and project final completion.
- C. **Permittee Inspections.** The permittee or his/her agent shall conduct and document inspections of all control measures no less than weekly or as specified in the permit, and prior to and following anticipated storm events. The purpose of such inspections will be to determine the overall effectiveness of the control plan, and the need for maintenance or additional control measures. The permittee or his/her agent shall submit monthly reports to the Conservation Commission or designated agent in a format approved by the Conservation Commission. The Conservation Commission may require, as a condition of approval, that an Environmental Site Monitor, approved by the Conservation Commission, be retained by the applicant to conduct

such inspections and prepare and submit such reports to the Conservation Commission or its designated agent.

- D. **Access Permission.** To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Conservation Commission, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this Bylaw and may make or cause to be made such examinations, surveys or sampling as the Conservation Commission deems reasonably necessary to determine compliance with the permit.

## **SECTION 12. SURETY**

The Conservation Commission may require the permittee to post before the start of land disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by town counsel, and be in an amount deemed sufficient by the Conservation Commission to insure that the work will be completed in accordance with the permit. If the project is phased, the Conservation Commission may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the Conservation Commission has received the final report as required by Section 13 and issued a certificate of completion.

## **SECTION 13. FINAL REPORTS**

Upon completion of the work, the permittee shall submit a report (including certified as-built construction plans) from a Professional Engineer (P.E.), surveyor, certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any discrepancies should be noted in the cover letter.

## **SECTION 14. ENFORCEMENT**

- A. The Conservation Commission or an authorized agent of the Conservation Commission shall enforce this Bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
- B. **Orders.**
1. The Conservation Commission or an authorized agent of the Conservation Commission may issue a written order to enforce the provisions of this Bylaw or the regulations thereunder, which may include:
    - a. a requirement to cease and desist from the land-disturbing activity until there is compliance with the Bylaw and provisions of the land-disturbance permit;
    - b. maintenance, installation or performance of additional erosion and sediment control measures;
    - c. monitoring, analyses, and reporting;

- d. remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity
  - 2. If the enforcing person determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Walpole may, at its option, undertake such work, and the property owner shall reimburse the Town's expenses.
  - 3. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Town of Walpole, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Conservation Commission within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Conservation Commission affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate, as provided in G.L. Ch. 59, § 57, after the thirty-first day following the day on which the costs were due.
- C. **Criminal Penalty.** Any person who violates any provision of this Bylaw, regulation, order or permit issued there under, shall be punished by a fine of not more than \$ 300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- D. **Non-Criminal Disposition.** As an alternative to criminal prosecution or civil action, the Town of Walpole may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch.. 40, §21D and the [*insert citation town enabling vote/bylaw of the Town of Walpole*], in which case the [*insert title or other authorized agent of the city/town*] shall be the enforcing person. The penalty for each violation shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- E. **Appeals.** All decisions or orders of the Conservation Commission shall be final. Further relief shall be to a court of competent jurisdiction.
- F. **Remedies Not Exclusive.** The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

**SECTION 15. CERTIFICATE OF COMPLETION**

The Conservation Commission will issue a letter certifying completion upon receipt and approval of the final reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this Bylaw. The Certificate of Completion shall be recorded at the Registry of Deeds by the Owner(s).

**SECTION 16. SEVERABILITY**

If any provision, paragraph, sentence, or clause of this Bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.